

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**DAVID WILLIAM WOOD,**

**Plaintiff**

**v.**

**Civil Action No. 3:15-cv-00594-MHL**

**CREDIT ONE BANK, N.A.,**

**Defendant**

**PLAINTIFF'S OMNIBUS MOTION IN LIMINE**

The Plaintiff, David W. Wood, by Counsel, moves *in limine* to prohibit the Defendant Credit One Bank, N.A. from making suggestions, statements, argument, or introducing evidence or witnesses at trial. For the reasons explained more fully in the accompanying Memorandum of Law, the Plaintiff seeks entry of an order to:

1. Prohibit any suggestion or evidence that Defendant's reporting to any consumer reporting agency ("CRA") regarding an account with Credit One Bank was accurate.
2. Prohibit any suggestion or evidence that any Defendant had an interpretation of the FCRA supporting its processing of Plaintiff's disputes.
3. Prohibit any suggestion or evidence that any Defendant had any FCRA compliance training, resources, employees, or review process.
4. Prohibit any suggestion or evidence that any Defendant devoted or allocated any resources to FCRA compliance.
5. Prohibit any suggestion or evidence that Defendant's reporting of the Credit One Bank account at issue in this lawsuit was a mistake or error.
6. Prohibit Defendant from discussing or attempting to introduce any after-acquired or after-manufactured evidence, including:
  - a. Affidavits, declarations, or testimony from prospective witnesses Schumacher and Woodson;
  - b. Any police incident reports;

- c. Any documents from the Consumer Data Industry Association not produced on or before July 26, 2016; and
  - d. Any information not actually considered in the dispute process used for Plaintiff's disputes.
- 7. Prohibit any suggestion or evidence that Plaintiff is barred from bringing this action in this Court, or that he is in the wrong court, or any other argument that they are in an improper venue.
- 8. Prohibit any discussion or evidence regarding Defendant's proposed expert witness, James Lynn.
- 9. Prohibit the use of any evidence that was requested, but not produced, on or before July 26, 2016, as well as any evidence in possession of the Defendant but not timely disclosed pursuant to FED. R. CIV. P. 26(a)(1) & (e).
- 10. Prohibit the Defendant from re-raising issues that have already been decided.
- 11. Prohibit any reference to:
  - a. the fact that Plaintiff's claims are brought under a fee-shifting statute;
  - b. the Plaintiff's settlement with any other entity;
  - c. any other litigation involving the Plaintiff or any other claims he may have; and
  - d. the number or nature of cases handled by the Plaintiff's attorneys or their law firms.

### **Conclusion**

For these reasons, the Plaintiff respectfully seeks an Order prohibiting introduction of evidence, testimony or argument on the foregoing issues.

Respectfully Submitted,

**DAVID W. WOOD,**

By: \_\_\_\_\_/s/  
Leonard A. Bennett, VSB# 37523  
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***Counsel for Plaintiff***

## CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all Counsel of Record.

/s/

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Leonard A. Bennett, VSB#37523  
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